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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Donald Day Jr.,

Defendant.

No. CR-23-08132-PCT-JTT

**AMENDED SUPERSEDING
INDICTMENT**

VIO: 18 U.S.C. § 875(c)
(Interstate Threats)
Counts 1-2

18 U.S.C. §§ 922(g)(1) and
924(a)(8)
(Felon in Possession of Firearms
and Ammunition)
Count 3

26 U.S.C. §§ 5841, 5845(a)(1),
5861(d), and 5871
(Possession of an
Unregistered Firearm)
Count 4

18 U.S.C. § 115(a)(1)(B) and (b)(4)
(Threatening Federal Official)
Count 5

18 U.S.C. §§ 924(d) and 981,
21 U.S.C. §§ 853,
26 U.S.C. § 5872
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

INTRODUCTION

At all relevant times:

1. Defendant DONALD DAY JR. (DAY) lived in Heber, Arizona.

2. YouTube is a global online video sharing service social media platform owned by Google LLC headquartered in Mountain View, California. BitChute is a peer-to-peer content sharing platform originating in the United Kingdom.

3. DAY was active on the social media video platform, YouTube, under the username “Geronimo’s Bones.”

4. DAY was active on the social media video platform, BitChute, under the username “WEAREALLDEADASFUCK.”

5. DAY posted videos of himself speaking on YouTube and also posted public comments in response to videos posted on various public YouTube channels since at least January 2022.

6. DAY also posted public comments in response to videos posted on various public BitChute sites since on or around June 2022.

7. Individual 1 and Individual 2 were Australian citizens. Individual 1 and Individual 2 were married and lived on a remote property located in Queensland, Australia.

8. Individual 3 was the brother of Individual 1 and was living on Individual 1 and Individual 2’s property in or about December 2022.

9. Individual 1 and Individual 2 were active on the social media video platform, YouTube.

10. Individual 1 and Individual 2 posted videos of themselves on YouTube and also posted public comments in response to videos posted on various public YouTube channels. Individual 1 and Individual 2 often referred to themselves on YouTube as “Daniel” and “Jane.”

11. DAY, Individual 1 and Individual 2 regularly commented on each other’s videos on YouTube.

1 12. VICTIM 1, T. G., was the Director General of the World Health
2 Organization.

3 13. The World Health Organization is a specialized agency of the United Nations
4 responsible for international public health.

5 14. During the course of his duties, VICTIM 1 appeared in a video wherein he
6 discussed the discovery of a new virus in Equatorial Guinea called Marburg which
7 VICTIM 1 described as similar to Ebola with a high mortality rate. VICTIM 1 stated that
8 there were currently no approved vaccines for the Marburg virus and few were in
9 development.

10 15. In February 2023, DAY, commented on a video, posted on BitChute, which
11 featured a statement made by Victim 1, and stated, "It is time to kill these monsters, and
12 any who serve them. Where are my kind? Where are you? Am I the only one? Fuckin'
13 hell!"

14 16. Beginning on or before January 2022 and continuing to on or after February
15 2023, DAY engaged in a course of conduct demonstrating a desire to incite violence and
16 threaten a variety of groups and individuals including law enforcement and government
17 authorities.

18 17. DAY previously posted on BitChute a statement, "I'm an x-con, who's
19 armed to the teeth." DAY previously acknowledged on YouTube that he owned firearms,
20 to include a rifle and a shotgun.

21 18. On or about July 25, 2022, DAY posted a comment to YouTube stating,
22 "[t]hese days, I just watch the stupid through the keyhole, 'til it's time to center my rifle
23 barrel through it."

24 19. On or about September 16, 2022, DAY posted a comment on YouTube
25 stating, "Yeah, I really like my 870. Best one I've ever owned."

26 20. On or about November 9, 2022, DAY posted a comment on YouTube stating,
27 "[i]n order to maintain my ammo cache, I work outside of the system. I don't have a bank
28 account, credit card, birth certificate, social security card, driver's license or any of the

1 unlawful and unconstitutional trappings of the current American slave class.”

2 **BACKGROUND**

3 21. On December 12, 2022, four Queensland Police Service (QPS) officers
4 visited Individual 1 and Individual 2’s property in an attempt to locate Individual 3, in
5 response to a missing person’s report filed by Individual 3’s wife several months earlier.

6 22. When the QPS officers walked towards Individual 1 and Individual 2’s
7 residence, Individual 1 and Individual 2 opened fire killing two QPS officers and wounding
8 a third officer. When a neighbor came to investigate, he was also killed by Individual 1 and
9 Individual 2.¹

10 23. On December 12, 2022, after the murders of the QPS officers, Individual 1
11 and Individual 2 posted a video titled, “Don’t Be Afraid” to their YouTube channel. In the
12 video, which lasted 41 seconds, , Individual 1 and Individual 2 filmed themselves in a dark
13 setting and stated, “[t]hey came to kill us, and we killed them. If you don’t defend yourself
14 against these devils and demons, you’re a coward. We’ll see you when we get home. We’ll
15 see you at home, Don. Love you.”

16 24. Soon thereafter, DAY posted a comment to the video “Don’t Be Afraid”
17 under the username “Geronimo's Bones.” DAY stated, “[t]ruly, from my core, I so wish
18 that I could be with you to do what I do best. I hate it, that I am unable to. What can I do?
19 I tell you, family, that those bastards will regret that they ever fucked with us. Although I
20 cannot be there under my own power and will, the comfort and assurance that I can offer,
21 is that our enemies will become afraid of us. We are with you. We too, will never ever bow
22 to the scum which plagues us. It is rare for me to ask our Father for anything. Yet as soon
23 as I saw this comm, I did ask Him for something. Please, do what you must do, with
24 determination in your hand and fury in your bellies. Again, tell me that I can help you.
25 Anything that is within my range to do for you, I will not hesitate. We love you, we care
26 _____

27
28 ¹ Individual 1 and Individual 2 were later killed in a shootout with Australian tactical police.

1 for you. -Don and Annie.”

2 25. On December 16, 2022, DAY posted a video titled, “Daniel and Jane” to his
3 YouTube channel under username “Geronimo’s Bones.” In the video, DAY stated, “it
4 breaks my fucking heart that there’s nothing that I can do to help them. These are a people
5 that are not armed, as we are in America, that at least have that one resort to fight against
6 fucking tyrants in this country. And here, my brave brother and sister, a son and a daughter
7 of the Most High have done exactly what they were supposed to do, and that is to kill these
8 fucking devils.”

9 26. DAY then stated, “[w]ell, like my brother Daniel, like my sister Jane, it is no
10 different for us. The devils come for us, they fucking die. It’s just that simple. We are free
11 people, we are owned by no one.”

12 27. DAY ended the video saying, “Daniel, Jane, if there’s any way possible that
13 you are receiving this comm, I am so sorry that I’m not there to fight with you, that there’s
14 no fucking way for me to be there, and I’m reduced to asking my Father to protect you, to
15 look out for you without any expectation, but if you’re already home, our heavenly home,
16 hold a place for us because we’ll be joining you soon enough.”

17 28. On December 16, 2022, DAY uploaded another video, titled “brother sister
18 martyr” to his YouTube channel, “Geronimo’s Bones.” In the video, DAY said, “[o]ur
19 brother Daniel and our sister Jane were harassed on a regular basis by authorities [DAY
20 displayed two middle fingers while saying the word ‘authorities’] in the province of
21 Queensland to hand over his brother to them because his brother was on the verge of
22 revealing the extensive corruption which affected children.” DAY further stated Individual
23 1 and Individual 2 did “what they had to do” because they would not submit “to a monster,
24 to an unlawful entity, to a demonic entity.” DAY further stated, “Daniel and Jane did
25 exactly what their Heavenly Father would have done in the same situation.” Almost a
26 minute later into the video, DAY stated, “This is me speaking into the ether, to bear witness
27 before my heavily Father, with the witness of my wife that I am speaking the truth to this
28 thing. And just so you know that that’s the only language that evil ever respects, responds

1 to or understands, and that is the language of virtuous violence. When these people in this
 2 box tell you violence isn't the answer...then what is? Voting? Praying? Really? What has
 3 either of them achieved for you?"

4 29. Through his course of conduct, DAY committed the following offenses:

5 **COUNT 1**

6 **(Interstate Threat)**

7 On or about December 16, 2022, in the District of Arizona, and elsewhere, the
 8 defendant, DONALD DAY JR., did knowingly transmit in interstate and foreign commerce
 9 a communication containing a threat to injure the person of another, that is any law
 10 enforcement official who comes to DAY's residence, with the intent to communicate a true
 11 threat of violence and with recklessness as to whether the communication would be viewed
 12 as a true threat of violence, that is, DAY, in a video posted on YouTube stated, "[w]ell,
 13 like my brother Daniel, like my sister Jane, it is no different for us. The devils come for us,
 14 they fucking die. It's just that simple. We are free people, we are owned by no one."

15 All in violation of 18 U.S.C. § 875(c).

16 **COUNT 2**

17 **(Interstate Threat)**

18 In or around February 2023, in the District of Arizona, and elsewhere, the defendant,
 19 DONALD DAY JR., did knowingly transmit in interstate and foreign commerce a
 20 communication containing a threat to injure the person of another, that is VICTIM 1, T.G.,
 21 with the intent to communicate a true threat of violence and with recklessness as to whether
 22 the communication would be viewed as a true threat of violence, that is, DAY commented
 23 on a video, posted on BitChute, which featured a statement made by Victim 1, T.G., and
 24 stated, "It is time to kill these monsters, and any who serve them. Where are my kind?
 25 Where are you? Am I the only one? Fuckin' hell!"

26 All in violation of 18 U.S.C. § 875(c).

27 //

28 //

COUNT 3**(Felon in Possession of Firearms and Ammunition)**

On or about the December 1, 2023, in the District of Arizona, the defendant, DONALD DAY JR., knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is a conviction in the state of Wyoming for Larceny, a felony, did knowingly possess firearms and ammunition, set forth below:

<u>No.</u>	<u>Make</u>	<u>Model</u>	<u>Serial #</u>	<u>Approximate Quantity</u>
1.	Arms Corp with Magazine	1911	GI103689	1 Handgun and 10 Rounds of .45 Caliber Ammunition
2.	Zev Technologies	AR15	SF0833	1 Rifle and 30 Rounds of either .223/.556 Caliber Ammunition
3.	Smith and Wesson with Magazine	M&P 15	SM67458	1 Rifle and 30 Rounds of .223 Caliber Ammunition
4.	Marlin with Nikon Scope containing Ammunition	XT-22	MM58138B Scope: 1040081	1 Rifle with Scope and 7 Rounds of .22 Caliber Ammunition
5.	Taurus containing Ammunition	Tracker	ZD385912	1 Handgun and 5 Rounds of .44 Caliber Magnum Ammunition
6.	Glock with Magazine	Model 21	V6548	1 Handgun and 13 Rounds of .45 Caliber Ammunition
7.	Remington Arms and Ammunition	870 Super Mag	AB455140A	1 Shotgun and 4 Rounds of 12 Gauge Ammunition
8.	Taurus with Magazine	PT247G2C	NF059160	1 Handgun and 10 Rounds of .45 Caliber Ammunition
9.	Izhmash	Saiga	H02102756	1 AK Style Rifle
10.	Ammunition and Carrier			9 Rounds of .45 Caliber Ammunition
11.	Ammunition			12 Rounds of .44 Caliber Ammunition
12.	Ammunition			4 Magazines with .22 Caliber Ammunition
13.	Ammunition			4 Magazines with .45 Caliber Ammunition
14.	Ammunition			2 Magazines with .45 Caliber Ammunition
15.	Ammunition			3 Magazines with .45 Caliber Ammunition

16.	Ammunition			19 Rounds of .22 Caliber Ammunition
17.	Ammunition			Box containing 8 Rounds of 9mm Caliber Ammunition
18.	Ammunition			2 rounds of .223 Caliber Ammunition
19.	Ammunition			1 Round of .22 Caliber Ammunition
20.	Ammunition			4 Magazines with .45 Caliber Ammunition
21.	Ammunition			5 Magazines with .223 Caliber Ammunition
22.	Ammunition			49 Rounds of 12 Gauge Ammunition
23.	Ammunition			1 Magazine with .45 Caliber Ammunition
24.	Ammunition			2 Magazines with 30 Rounds of .223 Caliber Ammunition
25.	Ammunition			4 Magazines with .45 Caliber Ammunition
26.	Ammunition			Ammo Can containing a variety of .45 caliber and .223 Caliber Ammunition
27.	Ammunition			5-Gallon Plastic Bucket containing a variety of .22 Caliber and 12 Gauge Ammunition
28.	Ammunition			5-gallon Plastic Bucket containing .45 Caliber Ammunition
29	Ammunition			5-gallon Plastic Bucket containing .223 Caliber Ammunition
30.	Ammunition			Ammo Can containing a variety of .223 Caliber and 12 Gauge Ammunition
31.	Ammunition			3 Ammo Cans containing a variety of .223 Caliber and 7.62 x 39 Caliber Ammunition
32.	Ammunition			Ammo Can containing a variety of 12 Gauge, .45 Caliber, .22 Caliber,

				.223 Caliber, and 9mm Ammunition
33.	Ammunition			Orange Plastic Case containing 12 Gauge Ammunition
34.	Ammunition			One 9mm Round and One .223 Caliber Round

said firearms and ammunition having been shipped and transported in interstate or foreign commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 4

(Possession of an Unregistered Firearm)

On or about December 1, 2023, in the District of Arizona, the defendant, DONALD DAY JR., knowingly possessed a firearm, that is a Remington 870 Super Mag Shotgun, Serial # AB455140A, knowing it had a barrel of less than 18 inches in length, not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5845(a)(1), 5861(d), and 5871.

COUNT 5

(Threatening Federal Official)

On or about December 1, 2023, in the District of Arizona, the defendant, DONALD DAY JR., did threaten to assault the VICTIMS, Special Agents T. P., J. S., R. B., T. G., and M. G. with the Federal Bureau of Investigation, with intent to impede, intimidate, and interfere with the Victims while they were engaged in the performance of their official duties, in that during the processing after DAY's arrest, DAY asserted, "I'll tell you this, if anything happens to my wife, and I ever get out of these cuffs, I'll come for every fucking one of you. How's that? You better kill me, if you fuck my wife up, you hurt her in any way, you better kill me here and now, just dump my body somewhere...I'm not playing with you guys. I'm not making idle threats here. Don't hurt my wife" all in violation of Title 18, United States Code, Section 115(a)(1)(B) and (b)(4).

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FORFEITURE ALLEGATION

The Grand Jury realleges and incorporates into the Superseding Indictment the allegations set forth in Paragraphs 1 through 29 and Counts 3 and 4 of this Superseding Indictment in, which are incorporated by reference as though fully set forth herein.

Pursuant to Title 18 United States Code, Sections 924(d) and 981, Title 21, United States Code, Section 853, Title 26, United States Code, Section 5872, and Title 28, United States Code, Section 2461(c), and upon conviction of one or more of the offenses set forth in Paragraphs 1 through 29 and Counts 3 and 4 of this Superseding Indictment, the defendant shall forfeit to the United States of America all right, title, and interest in (a) any property constituting, or derived from, any proceeds the persons obtained, directly or indirectly, as the result of the offense, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense, including, but not limited to the following involved and used in the offense:

1. Arms Corp 1911, serial number GI103689, with magazine and 10 Rounds of .45 Caliber Ammunition;
2. Zev Technologies AR15, serial number SF0833, and magazine with 30 Rounds of .223/.556 Caliber Ammunition;
3. Smith and Wesson M&P 15, serial number SM67458 and magazine with 30 Rounds of .223 Caliber Ammunition;
4. Marlin rifle, XT-22, serial number MM58138B, with Nikon scope, serial number 1040081, and 7 Rounds of .22 Caliber Ammunition;
5. Taurus Tracker, serial number ZD385912, and 5 Rounds of .44 Caliber Magnum Ammunition;
6. Glock Model 21, serial number V6548, and 13 Rounds of .45 Caliber Ammunition;
7. Remington Arms 870 Super Mag, serial number AB455140A and 4 Rounds of 12 Gauge Ammunition;
8. Taurus PT247G2C, serial number NF059160, containing 10 Rounds of .45

1 Caliber Ammunition;

2 9. Izhmash Saiga AK Style rifle, serial number H02102756;

3 10. Carrier containing 9 Rounds of .45 Caliber Ammunition;

4 11. 12 Rounds of .44 Caliber Ammunition;

5 12. 4 Magazines with .22 Caliber Ammunition;

6 13. 4 Magazines with .45 Caliber Ammunition;

7 14. 2 Magazines with .45 Caliber Ammunition;

8 15. 3 Magazines with .45 Caliber Ammunition;

9 16. 3 Empty Magazines for 9mm Rounds;

10 17. 19 Rounds of .22 Caliber Ammunition;

11 18. Box containing 8 Rounds of 9mm Ammunition;

12 19. 2 rounds of .223 Caliber Ammunition;

13 20. 1 Round of .22 Caliber Ammunition;

14 21. 4 Magazines with .45 Caliber Ammunition;

15 22. 5 Magazines with .223 Caliber Ammunition;

16 23. 3 Scopes;

17 24. 49 Rounds of 12 Gauge Ammunition;

18 25. 1 Magazine with .45 Caliber Ammunition;

19 26. 2 Magazines with 30 Rounds of .223 Caliber Ammunition;

20 27. 4 Magazines with .45 Caliber Ammunition;

21 28. Ammo Can containing a variety of .45 Caliber and .223 Caliber Ammunition;

22 29. 5-Gallon Plastic Bucket containing a variety of .22 Caliber and 12 Gauge
23 Ammunition;

24 30. 5-gallon Plastic Bucket containing .45 Caliber Ammunition;

25 31. 5-gallon Plastic Bucket containing .223 Caliber Ammunition;

26 32. Ammo Can containing a variety of .223 Caliber and 12 Gauge Ammunition;

27 33. 3 Ammo Cans containing a variety of .223 Caliber and 7.62 x 39 Caliber
28 Ammunition;

- 1 34. Ammo Can containing a variety of 12 Gauge, .45 Caliber, .22 Caliber, .223
2 Caliber, and 9mm Ammunition;
3 35. Guuun grips;
4 36. Orange Case containing 12 Gauge Ammunition;
5 37. 1 9mm Round and 1 .223 Caliber Round; and
6 38. One Black Pistol Magazine.

7 If any of the above-described forfeitable property, as a result of any act or omission of the
8 defendant(s):

- 9 (1) cannot be located upon the exercise of due diligence,
10 (2) has been transferred or sold to, or deposited with, a third party,
11 (3) has been placed beyond the jurisdiction of the court,
12 (4) has been substantially diminished in value, or
13 (5) has been commingled with other property which cannot be divided
14 without difficulty,

15 it is the intent of the United States to seek forfeiture of any other property of said
16 defendant(s) up to the value of the above-described forfeitable property, pursuant to Title
17 21, United States Code, Section 853(p).

18 All in accordance with Title 18, United States Code, Sections 924(d) and 981, Title
19 21, United States Code, Section 853, Title 26, United States Code, Section 5872, Title 28,
20 United States Code, Section 2461(c), and Rule 32.2, Federal Rules of Criminal Procedure.

21 A TRUE BILL

22 /s/
23 FOREPERSON OF THE GRAND JURY
Date: January 16, 2024

24
25 GARY M. RESTAINO
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26
27 /s/
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